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In re Application of: :
TOLOSA, Leah, et al. :
U.S. Application No.: 10/552,164 :
PCT No.: PCT/US2004/006276 :
International Filing Date: 01 March 2004 :
Priority Date: 09 May 2003 :
Atty Docket No.: UMBC-0012 :
For: PROTEINS, SENSORS, AND :
METHODS OF CHARACTERIZING :
ANALYTES USING THE SAME :

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 20 May 2008 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned with respect to the United States at midnight on 17 October 2007 based on applicants' failure to file a timely response to the "Notification Of Defective Response" (Form PCT/DO/EO/916) mailed 17 September 2007.

The present petition for revival was accompanied by payment of the required petition fee.¹ The petition was also accompanied by the "required reply" in the form of a proper response to the Notification Of Defective Response mailed 17 September 2007, that is, acceptable sequence listing materials, including a computer readable form (CRF) of the sequence listing.

The petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," satisfying the requirement of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Accordingly, the request to revive the application is appropriately granted.

It is noted that, on 11 July 2008, a Notification Of Acceptance (Form PCT/DO/EO/903) and filing receipt were issued identifying the 35 U.S.C. 371 date herein as 11 October 2005. The

¹ The petition for revival was accompanied by payment of an \$820 extension fee. However, an extension of time under 37 CFR 1.136(a) must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S, 8 USPQ2d 1630, 1631 (Comm'r Pats 1988). The \$820 extension of time fee submitted with the present petition on 20 May 2008 was filed subsequent to the maximum extendable period for reply; therefore, the fee is unnecessary and will be credited to petitioner's deposit account.

present decision does not serve to change the 35 U.S.C. 371(c) date for the present application. Accordingly, the previously mailed Notification of Acceptance and filing receipt remain in effect.

A handwritten signature in black ink, appearing to read 'rll n'.

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